



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,226	12/22/2003	Ylian Saint-Hilaire	P16486	7661
28062	7590	10/31/2007		
BUCKLEY, MASCHOFF & TALWALKAR LLC 50 LOCUST AVENUE NEW CANAAN, CT 06840			EXAMINER LOO, JUVENA W	
			ART UNIT	PAPER NUMBER
			4135	
			MAIL DATE	DELIVERY MODE
			10/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/743,226

Applicant(s)

SAINT-HILAIRE ET AL.

Examiner

Juvena W. Loo

Art Unit

4135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10,12-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the amendment filed on August 28, 2007 in which claims 1, 3, 7, 14, and 16 were amended. Claims 2, 11, 19, and 21 – 26 were cancelled.

Status of Claims

Claims 1, 3 – 10, 12 – 18, and 20 are pending, of which, claims 1, 7, 14, and 16 are independent claims.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 – 10, 12 – 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drabik (US 2005/0193103 A1) in view of Ramanathan (US 2005/0066086 A1).

Regarding claim 1, Drabik discloses a method of configuring a node for virtual private network operation by determining virtual private network settings associated with the node and at least one remote device (Drabik: Page 2, Section 0022: methods are provided to identify a specific participant in a virtual private network (VPN)); formatting the virtual private network settings (Drabik: Page 2, Section 0022: the method allows

remote update of the secure carrier device, to allow network changes, updates, and reconfigurations, with an associated changeover time, or with time-restricted access to the VPN. It is further possible to completely change the characteristics of the VPN, for all participants, at a specified time); and providing the message, including information about the virtual private network settings, to the node over a network (Drabik: Page 2, Section 0022: the method allows remote update of the secure carrier device, to allow network changes, updates, and reconfigurations, with an associated changeover time, or with time-restricted access to the VPN. It is further possible to completely change the characteristics of the VPN, for all participants, at a specified time). However, Drabik fails to teach the message is in universal plug and play format. In the same field of endeavor, Ramanathan discloses the use of the universal plug and play protocol in a device/architecture that can include various logical interfaces provided over a physical network interface, such as a virtual private network (Ramanathan: Page 3, Section 42). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Regarding claim 3, Drabik and Ramanathan disclose all the limitations of claim 1. Additionally, Drabik discloses a method includes receiving at a gateway device request from the node (Drabik: Page 6, Section 0082: when a device is inserted into a configuration programming interface devices, it will be automatically detected or the

Art Unit: 4135

virtual private network control station operator may manually indicate it); determining whether a virtual private network (VPN) tunnel is available for the node (Drabik: Page 15, Sections 0154 and 0155), and if a virtual private network tunnel is available for that node, transmitting the VPN settings to the node using an Internet Protocol address if a virtual private network tunnel is available for that node (Drabik: Page 3, Sections 0035 and 0036). However, Drabik fails to disclose the use of the universal plug and play using the extensible markup language protocol format. In the same field of endeavor, Ramanathan discloses the use of universal plug and play, which is based on a number of standard protocols including Extensible Markup Language, to provide device connectivity (Ramanathan: Page 3, Section 0045). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Regarding claim 4, Drabik discloses all the limitations of claim 3. Additionally, Drabik discloses the transmission of a message to other node, by a virtual private network repository node coupled to the private network, informing the other node that the virtual private network settings is available (Page 9, Section 0102: if programming a client virtual private network device results in a configuration change to the host virtual private network gateways, the operator will be prompted to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 5, Drabik discloses all the limitations of claim 4. Additionally, Drabik discloses the request to download the virtual private network settings to the node (Page 9, Section 0102: if the configuration of a virtual private network device results in a configuration change to the host virtual private network router or gateway, the virtual control station will prompt the operator of that node to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 6, Drabik and R disclose all the limitations of claim 5. Additionally, Drabik discloses the confirming that the node is authorized to operate on the virtual private network (Figure 2, Box 202 and Box 209; Page 8, Section 0100; and Page 9, Section 0102: the unique identification number for virtual private network (VPN) configuration device is read, and the key value is compare to virtual private network configuration database entries. Furthermore, the written configuration settings are read back to verify. If the contents do not match the expected value, the verification process will be repeated for a certain number of times before the device is rejected. Once the device is rejected, the associated key entry is removed from the configuration databases).

Regarding claim 7, Drabik discloses a virtual private network gateway comprising a communication adaptor coupled to a network (Figure 7: network interface 712); a processor coupled to the communication adaptor (Figure 7: processor 700) to transmit

virtual private network settings to another node coupled to the network in a common format for automatic exchange of information between networked devices (Figures 1 and 2, Box 208; Page 6, Section 0083: when a VPN configuration device is inserted into a programming device (Figure 1: 105 or 110), it may be automatically detected by a daemon process (a background computer process) or an equivalent detection mechanism. Upon such a detection, the VPN control station contains software that reads the configuration database and other relevant databases, determines a non-conflicting configuration of a network settings for a particular VPN client, and then writes the resulting VPN settings to the VPN configuration device). However, Drabik fails to teach that the common format is universal plug and play. In the same field of endeavor, Ramanathan discloses the use of the universal plug and play protocol in a device/architecture that can include various logical interfaces provided over a physical network interface, such as a virtual private network (Ramanathan: Page 3, Section 42). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Regarding claim 8, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses the network is a private network (Figures 1 and 7: the virtual private network control station 102 is connected to CorporateLAN 103, a private network).

Regarding claim 9, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses the network is a local area network (Figures 1 and 7: the virtual private network control station 102 is connected to CorporateLAN 103, a local area network).

Regarding claim 10, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses the network is a wide area network (Figures 1 and 7: the virtual private network control station 102, connected to CorporateLAN 103, is part of a wide area network).

Regarding claim 12, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses that the processor transmits a message to other node informing the other node that virtual private network information is available from the virtual private network gateway (Page 9, Section 0102: if programming a client virtual private network device results in a configuration change to the host virtual private network gateways, the operator will be prompted to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters).

Regarding claim 13, Drabik discloses all the limitations of claim 7. Additionally, Drabik discloses that the processor confirms that the other node is authorized to operate on the virtual private network (Figure 2, Box 202 and Box 209; Page 8, Section 0100; and Page 9, Section 0102: the unique identification number for virtual private network (VPN) configuration device is read, and the key value is compare to virtual

private network configuration database entries. Furthermore, the written configuration settings are read back to verify. If the contents do not match the expected value, the verification process will be repeated for a certain number of times before the device is rejected. Once the device is rejected, the associated key entry is removed from the configuration databases).

Regarding claim 14, Drabik discloses a virtual private network gateway comprising a communication adaptor coupled to a network (Figure 7: network interface 712); a processor coupled to the communication adaptor (Figure 7: processor 700) to transmit virtual private network settings to another node coupled to the network in a common format for automatic exchange of information between networked devices (Figures 1 and 2, Box 208; Page 6, Section 0083: when a VPN configuration device is inserted into a programming device (Figure 1: 105 or 110), it may be automatically detected by a daemon process or an equivalent detection mechanism. Upon such a detection, the VPN control station contains software that reads the configuration database and other relevant databases, determines a non-conflicting configuration of a network settings for a particular VPN client, and then writes the resulting VPN settings to the VPN configuration device); and a storage device coupled to the processor to contain the virtual private network settings (Figure 7: a storage unit 709 connected to the processor 700 and a VPN configuration database 710 resided in storage unit 709). In the same field of endeavor, Ramanathan discloses the use of the universal plug and play protocol in a device/architecture that can include various logical interfaces provided

Art Unit: 4135

over a physical network interface, such as a virtual private network (Ramanathan: Page 3, Section 42). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Regarding claim 15, Drabik discloses all the limitations of claim 14. Additionally, Drabik discloses that the processor in the virtual private network (VPN) control station retrieves the VPN settings from the storage device and transmit the settings to other node (Page 6, Section 0083: the processor reads the configuration database and the information in the virtual private network configuration database, determines the VPN settings and writes the settings to the virtual private network configuration device). However, Drabik fails to teach that universal plug and play is used in the communication among network devices.

In the same field of endeavor, Ramanathan discloses the implementation of universal plug and play in network devices that can be used in a virtual private network (Ramanathan, Page 3, Section 0042). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Regarding claim 16, Drabik and Ramanathan disclose a virtual private network node (Drabik: Figure 1: a virtual private network router or gateway 112) comprising a communication adaptor coupled to a network (Drabik: Figure 9: network interfaces 909 and 911); and a processor coupled to the communication adaptor (Drabik: Figure 9: processor 900) to (1) receive virtual private network settings from another node coupled to the network in a common format for automatic exchange of information between networked devices (Drabik: Figure 3 and Page 15, Section 0155: once the daemon process (a background process running in the processor) detects the presence of a virtual private network configuration device, it extracts the configuration database/settings from the configuration device), and (2) establish a virtual private network with a remote device in accordance with the received settings (Drabik: Page 15, Section 0155: if the settings are verified, the virtual private network (VPN) configurations is performed using those settings, and the VPN process is started). However, Drabik fails to teach that universal plug and play is used in the communication among network devices.

In the same field of endeavor, Ramanathan discloses the implementation of universal plug and play in network devices that can be used in a virtual private network (Ramanathan, Page 3, Section 0042). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Regarding claim 17, Drabik discloses all the limitations of claim 16. Additionally, Drabik discloses the network is a local area network (Figures 1 and 9: virtual private network 112 is connected to CorporateLAN 103, a local area network).

Regarding claim 18, Drabik discloses all the limitations of claim 16. Additionally, Drabik discloses the network is a wide area network (Figures 1 and 9: the virtual private network gateway 112, connected to CorporateLAN 103 and Private Connecting Network 100, is part of a wide area network).

Regarding claim 20, Drabik discloses all the limitations of claim 16. Additionally, Drabik discloses that the processor transmits a message to the other node requesting that virtual private network information be downloaded (Page 9, Section 0102: if programming a client virtual private network device results in a change in the virtual private network configuration, the operator will be prompted to retrieve the virtual private network configuration device for reprogramming with the new configuration parameters). However, Drabik fails to teach that universal plug and play is used in the communication among network devices.

In the same field of endeavor, Ramanathan discloses the implementation of universal plug and play in network devices that can be used in a virtual private network (Ramanathan, Page 3, Section 0042). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the universal plug and

Art Unit: 4135

play into the network of Drabik. The motivation would have been in providing a seamless proximity networking in term of control and data transfer among networked devices.

Response to Arguments

3. Applicant's arguments filed August 28, 2007 have been fully considered but they are not persuasive. Applicant argued:

(a). Regarding claim 1, the combination of Drabik and Ramanathan fail to disclose or suggest the determination of virtual private network settings for a node and at least one remote device; the formatting of the virtual private network settings in a universal plug and play message format; and the availability of the virtual private network settings to the node over a network.

(b). Regarding claim 1, the combination of Drabik and Ramanathan fail to disclose formatting information or providing a universal plug and play message using virtual private network settings.

(c). Regarding claim 1, the motivation provided in the Office Actions ("providing a seamless proximity networking in term[s] of control and data transfer among networked

Art Unit: 4135

devices") would not lead one of ordinary skill in the art to modify the prior art references by Drabik and Ramanathan to produce the invention.

(d). Regarding claim 1, the absence of a convincing motivation in the prior art references by Drabik and Ramanathan and the motivation to combine the prior art references is a hindsight reconstruction.

(e). Regarding claim 3, the combination of Drabik and Ramanathan fail to disclose or suggest such a universal plug and play virtual private network request.

Regarding (a), Drabik discloses a method and apparatus for automatic configuration and management of a virtual private network as well as a method and apparatus for delivery of virtual private network configuration parameters to client equipment. The Plug and Play provides the ability for a user to plug a device into a system and to allow the system to recognize the connection. The function of this automatic discovery of an inserted device is discussed in Drabik. Therefore, the functionality of the universal plug and play is implicitly discussed. Moreover, the use of the universal plug and play message format may be used in the system of Drabik. This point is further suggested by Ramanathan (Ramanathan: page 3, section 0042).

Regarding (b), Drabik discloses a method and apparatus for automatic configuration and management of a virtual private network as well as a method and apparatus for delivery of virtual private network configuration parameters to client equipment. The Plug and Play provides the ability for a user to plug a device into a system and to allow the system to recognize the connection. The function of this automatic discovery of an inserted device is discussed in Drabik. Therefore, the functionality of the universal plug and play is implicitly discussed. Moreover, the use of the universal plug and play message format may be used in the system of Drabik. This point is further suggested by Ramanathan (Ramanathan: page 3, section 0042).

Regarding (c), the rationale of the motivation is complete and proper in view of the established standards for the rejections under 35 U.S.C. 103(a). The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Regarding (d), in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction

Art Unit: 4135

based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Regarding (e), Drabik discloses a configuration request either manually inputted by an operator or automatic generated when a device is inserted into a configuration interface device (Drabik: Page 6, Section 0082). Moreover, Ramanathan suggests the use of the plug and play format in virtual private network (Ramanathan: Page 3, Section 0045). Thus, claim 3 is not allowable based on Drabik and Ramanathan as disclosed as above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 4135

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


FRANTZ COBY
SUPERVISORY PATENT EXAMINER